

Introduced by Senator DunnFebruary 9, 2005

An act to amend Section 1194 of the Labor Code, relating to the minimum wage.

LEGISLATIVE COUNSEL'S DIGEST

SB 174, as introduced, Dunn. Minimum wage.

Existing law provides that any employee receiving less than the legal minimum wage or the legal overtime compensation applicable to the employee is entitled to recover in a civil action the unpaid balance of the full amount of the minimum wage or overtime compensation, including interest, attorney's fees, and costs.

This bill would provide that if the employee was paid less than twice the minimum wage at the time of a violation of that law, the civil action to recover unpaid minimum wages or overtime compensation may be brought by the employee in the interests of himself or herself and other current and former employees who were also paid less than twice the state minimum wage at the time of the violation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1194 of the Labor Code is amended to
- 2 read:
- 3 1194. (a) Notwithstanding any agreement to work for a lesser
- 4 wage, any employee receiving less than the legal minimum wage
- 5 or the legal overtime compensation applicable to the employee is
- 6 entitled to recover in a civil action the unpaid balance of the full

1 amount of this minimum wage or overtime compensation,
2 including interest thereon, reasonable attorney's fees, and costs
3 of suit. *If the employee was paid less than twice the minimum*
4 *wage at the time of a violation of this section, the civil action to*
5 *recover unpaid minimum wages or overtime compensation may*
6 *be brought by the employee in the interests of himself or herself*
7 *and other current and former employees who were also paid less*
8 *than twice the state minimum wage at the time of the violation.*
9 (b) The amendments made to this section by Chapter 825 of
10 the Statutes of 1991 shall apply only to civil actions commenced
11 on or after January 1, 1992.